

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it places this application in condition for allowance.

By this Amendment, claims 9, 11, and 14-16 are amended. No new matter is presented in this Amendment.

Claims 15, 16 and 11 stand objected to under 37 CFR 1.75(c) in that each of these claims fails to further limit the claims from which the depend. Claims 15, 16 and 11 stand further rejected under 35 U.S.C. 112, *second paragraph*, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, claims 15, 16 and 11 are amended to obviate the objections/rejections thereof. Specifically, claim 11 is amended to further limit claim 9 from which it depends. In addition, claim 15 is rewritten in independent form and recites a defruiting system comprising correlation means configured to process transponder's responses and implement a test of synchronicity. The correlation means are described in the specification, particularly at page 7, lines 12-21, and the synchronicity test is described in the specification at at least page 9, line 19 - page 11, line 9. In addition, claim 16 that includes the defruiting system, as claimed in independent claim 15, is amended to more clearly recite the claimed subject matter and limits the defruiting system of the independent claim.

Claims 9-14 stand rejected under 35 U.S.C, the Examiner alleging that the claimed invention is directed to non-statutory subject matter. Based upon the amendments to the claims and the following remarks, Applicants believe claims 9-14 recite patentable subject matter based upon the most recent guidelines of the Patent and Trademark Office.

According to the Federal Circuit, a method claim is patentable if the method 1) is tied to a particular machine or apparatus; or 2) transforms a particular article into a

different state or thing, (see *in re Bilski*, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (CAFC 2008)). Applicants respectfully submit that Amended claim 9 meets both these tests.

As amended, independent claim 9 particularly points out that the method claimed is not a simple abstract mathematical method, but rather a method executed by a secondary radar extractor and is applied to responses received from transponders, wherein only synchronous messages are sent to a downstream processing means. Accordingly, because the method is tied to a secondary radar extractor, the recited method is tied to a particular machine or apparatus as required by the Federal Circuit.

Furthermore, the recited method transforms the received signals from the transponders into a reduced set of signals of synchronous responses only. Therefore, Applicants respectfully submit that amended claim 9 likewise meets the second test of patentable subject matter, reciting a transformation of received signals.

Applicants respectfully submit, therefore, that independent claim 9 recites patentable subject matter consistent with 35 USC 101.

Claims 10-14 depend from independent claim 9 and are likewise patentable at least for their dependence on claim 9, an allowable base claim, as well as for additional features they recite.

Dependent claim 14, for example, is amended to more clearly specify how the lobe of the secondary radar is defined. Specifically, the effective reception lobe of the secondary radar is defined by both the effective interrogation lobe according to ICAO standard, and the reception lobe according to the secondary radar link budget, which limits the width of the lobe. These additional features are described in particular in the specification at at least page 12, line 31 - page 13, line 33.

Withdrawal of the rejection under 35 USC 101 is respectfully requested.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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